

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

HOWARD KAPLAN,
Plaintiff,

v.

WEND MANAGEMENT, INC.,
WENDY'S OLD FASHIONED
HAMBURGERS OF NEW YORK,
Defendants.

CIVIL ACTION NO. 104-CV-10856-MEL

FILED
IN CLERKS OFFICE
2004 JUN 23 A 11:40
U.S. DISTRICT COURT
DISTRICT OF MASS

**ASSENTED-TO MOTION FOR ENLARGEMENT OF TIME FOR PLAINTIFF TO
FILE AN OPPOSITION TO THE DEFENDANTS' MOTION TO DISMISS COUNT
II OF HIS COMPLAINT**

Pursuant to Fed. R. Civ. P. 6(b), Plaintiff Howard Kaplan requests the Court to grant this Motion for Enlargement of time to file an Opposition to the Defendants' Motion to Dismiss Count II of the Plaintiff's Complaint, from June 24, 2004 up to and including July 6, 2004. As grounds for this motion, counsel for the Plaintiff states that, as a result of other deadlines also on June 24, 2004, his counsel requires additional time to oppose the Defendants' Motion to Dismiss.

Respectfully submitted,
HOWARD KAPLAN,
By his attorneys,

Rebecca G. Pontikes

Shannon Liss-Riordan, BBO #640716
Rebecca G. Pontikes, BBO # 637157
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DATE: June 22, 2004

CERTIFICATE OF SERVICE

This is to certify that on June 22, 2004, a copy of the above document was served via first class mail, upon Kathryn Connors Soderberg, Davis, Malm & D'Agostine, P.C., One Boston Place, Boston, MA 02108.

Rebecca G. Pontikes *Rebecca G. Pontikes*
Rebecca G. Pontikes